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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,473	02/18/2004	Lee Begeja	2002-0464	4873
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AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,473

Applicant(s)

BEGEJA ET AL.

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,14-22,25-33 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-11, 14-22, 25-33, and 36-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on October 11, 2007 in which claims 1, 6, 10, 15, 19, 26, 32, and 37 have been amended and claims 3-4, 12-13, 23-24, and 34-35 have been canceled. Claims 1, 2, 5-11, 14-22, 25-33, and 36-42 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 10, 19, 20, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Lecton et al. (6,996,406)**.

Regarding claims 1, 10, 19, 20, and 32 Lecton discloses (see Figs. 1-3) a mobile communications device ((150A) and a wireless network node (150B), a communication

network and a method comprising: means for determining mobile communications device location (GPS receiver 210), means for linking (encoder/decoder 250) metadata representing mobile communications device location and call related data (i.e., ID of the communication device) to audio stream data sent from that mobile communications device for a wireless communications call (see encoder encoding positioning data in the generated identification tones for transmission by the RF transceiver, see col. 2, lines 34-53, col. 3, lines 32-45 and col. 5, lines 12-23) using a call record associated with said wireless communications call (i.e., the call record is within call related data which can be the identification of communication, the network must receives the ID of the communication device prior to connect).

Regarding claim 20, Lektion further discloses wherein the means for determining and means for linking are located within the mobile communication device (col. 2, lines 34-44).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 5-6, 8, 11, 14-15, 17, 22, 25-26, 28, 33, 36-37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lektion et al. (6,996,406)** in view of **Ayoub et al. (6,477,363)**.

Regarding claims 2, 11, 22, and 33, Lektion teaches all the limitations above except the means for determining comprises a processing technique selected from the

group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination. However the preceding limitations are known in the art of communications. Ayoud teaches a system wherein the location information of the mobile terminal can be obtained in any known method GPS, triangulation, and DID numbers to provide an accuracy of the location information, col. 3, lines 30-54 and col. 4, lines 7-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in order to have different options to determine the location of the mobile terminal, and increase the possibility to find someone carrying the mobile terminal in need of assistance.

Regarding claims 5, 14, 25, and 36, Lektion teaches all the limitations above except the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link the metadata. However, the preceding limitation is known in the art of communications. Ayoub teaches controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in order to simultaneously received updated position information while the emergency call is in progress.

Regarding claims 6, 15, 26, and 37, Lektion teaches all the limitations above except the determined location is an identification of a cell currently serving the mobile

communications device and the means for linking operates to link in response to detected changes in the currently serving cell. However, the preceding limitation is known in the art of communications. Ayoub teaches using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to simultaneously received updated position information while the emergency call is in progress.

Regarding claim 8, 17, 28, and 40, Lection teaches all the limitations above except the metadata includes a time stamp in addition to the determined location. However, the preceding limitation is known in the art of communications. Ayoub teaches position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to accurately determine the position of the mobile terminal.

Regarding claim 39, Lection teaches all the limitations above except extracting the metadata from the audio stream data, and presenting the location of the mobile communications device. However, the preceding limitation is known in the art of communications. Corresponding to the claimed limitations, Ayoub teaches receiving

equipment in the authority having a modem and tone detector, which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, (see col. 4, lines 36-42), and location of caller as generated from mapping information being displayed on a computer screen together with the mapping information, (see col. 4, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lektion in order to accurately display the location of the mobile terminal on a screen.

6. Claims 9, 18, 29, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lektion et al. (6,996,406) in view of Britt et al. (6,647,267)**.

Regarding claims 9, 18, 29, and 41, Lektion teaches all the limitations above except the call related data is selected from the group consisting of a call record, called/calling party, and billing identification.

However, the preceding limitation is known in the art of communications. Britt discloses wherein the call related data includes predefined information can include data pertaining to the cellular telephone user such as a child's home telephone number as well as personal data (see col. 2, line 45 to col. 3, line 36), which reads on data selected from the group consisting of a call record, called/calling party, and billing identification. It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Britt with Lektion in order to provide the supplying of pertinent personal information and location information that would assist in providing emergency services as taught by Britt.

7. Claims 7, 16, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lecton et al. (6,996,406)** as applied to claims 1, 10, 20 and 32 above, and further in view of **Williams (6,725,049)**.

Regarding claims 7, 16, 27 and 38 Lecton fails to specifically disclose means for encrypting the determined mobile communications device location.

In an analogous field of endeavor, Williams discloses a method and system for disseminating global positioning information through a telecommunications network by injecting the global positioning information into telecommunications between calling and called parties and wherein the positioning information may form the basis for encryption of messages or conversations between parties (see col. 3, lines 34-42, col. 4, lines 7-54).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Williams encryption feature into Lecton's system in order to add a level of security to the provision of location information especially in emergency situations.

8. Claims 30, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lecton et al. (6,996,406)** as applied to claims 19 and 32 above, and further in view of **Lemelson et al. (6,054,928)**.

Regarding claims 30, 31 and 42 Lecton fails to disclose wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata.



In an analogous field of endeavor, Lemelson discloses a system and method for tracking and monitoring a prisoner or parolee that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance (see col. 4, lines 51-64, col. 9, lines 36-64). According to Lemelson and as illustrated in Fig. 5, a voice recorder 132 is provided as part of the control center for recording individual voice messages as well as provide voice response messages to security personnel (see col. 14, lines 17-24).

It would therefore have been obvious to one of ordinary skill in the art to combine Lemelson's monitoring and tracking system with Lektion's system in order to ensure the capability of providing voice response messages as well as recording data such as audio while providing accurate location information in emergency situations as taught by Lemelson.

### ***Response to Arguments***

9. Applicant's arguments filed 10/17/07 have been fully considered but they are not persuasive.

As per claim 1, the Applicant argues that Lektion fails to disclose means for linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call using a call record associated with said wireless communications call. However, the Examiner disagrees with the preceding arguments. As recited in the Applicant's specification, the metadata includes location information,

tracking information, identification of the communication device and so on. Lektion teaches the RF transceiver configured to modulate and transmit voice communication and location information received from GPS, inherently the communication device should send its identification for accessing the network; the location information can be encoded in the generated identification tones for transmission by the RF transceiver, and the call record is within call related data which can be the identification of communication (see col. 2, lines 34-53, col. 3, lines 32-45 and col. 5, lines 12-23). The location of the communication device and its identification (call related data) correspond to metadata, and voice communication, location data, inherently the ID of communication are transmitted by the RF transceiver of the device. Therefore, the Examiner maintains that Lektion discloses the claimed limitations as recited above, and the rejection is final.

The Applicant further argues for reasons discussed above claims 10, 19, and 32 are allowable and all claims depend from allowed claims are also allowable. However, the Examiner disagrees with the preceding assertion for reasons recited above. Therefore, the rejection of claims 10, 19, and 32 and all dependent claims are maintained for the same reasons recited above.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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**JEAN GELIN**  
**PRIMARY EXAMINER**

JGelin  
December 5, 2007

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in black ink and is positioned below the printed name and title of the examiner.